

**THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF
PUBLIC RIGHTS OF WAY**

**THE LANCASHIRE COUNTY COUNCIL
ADDTION OF FOOTPATH FROM CHATBURN OLD ROAD, CHATBURN
DEFINITIVE MAP MODIFICATION ORDER 2022**

**WITNESS STATEMENT OF
SHELAGH KEARSLEY**

1. My name is Shelagh Kearsley. I was born in 1961 and I live at 14 Crow Trees Brow, Chatburn BB7 4AA. From 1984 until 2001, I lived in Darkwood Crescent, Chatburn. Between 2001 and 2008, I lived in Clitheroe before moving to my current address which backs onto the field crossed by the Order route.
2. I completed a user evidence form in 2021. This Witness Statement gives more detailed evidence of my own personal use and knowledge of the route.
3. I described the route I used in my user evidence form as running from the stile behind 16/18 Crow Trees Brow, and continuing below a line of trees and then then continuing diagonally across the field to the kissing gate at the top of Chatburn Old Road. I marked the route that I used on an aerial photograph attached to my user evidence statement.
4. I used the route described above between 1984 and 2001 and from 2008 until 2021 when I lived in the village.
5. I have now had the opportunity to compare the route that I used with the route that was applied for and which is shown on the Order Map between points A-B-C-D.

6. I can confirm that I did walk that part of the Order route along Chatburn Old Road (between point A and point B) and always thought it was still part of the old road. I used the metal kissing gate at point B and always remember it being there. I did not usually use the five barred gate located further down Chatburn Old Road as it was not easy to open although if the gate was OK then I would use it rather than walking to the kissing gate.
7. I did not use the Order route from the metal kissing gate along the fence line to point C and then down to point D but went more directly across the field as it was shorter. From memory it was open pasture with no track to follow so I just walked across.
8. I never asked for nor was given permission to walk along the Order route or the diagonal route across the field. It never occurred to me that it was not a public footpath as I had seen other people walking across the field and so I never thought that permission was required. I do not recall whether I also saw people walking along the Order route along the fence line at the top of the field (B-C).
9. When the Developer first fenced the site off it altered the route I used slightly. We were unable to walk diagonally across to the kissing gate at the top of Chatburn Old Road and had to walk a more circuitous route.
10. I never encountered the landowner on any occasion when I was walking along the route or across the field and I was never challenged, stopped or turned back. I saw others and no one ever told me that I shouldn't be walking along the route. I never had any private right of my own to use the route or cross the field. I am not aware of anyone else who was told it was not public.
11. I can confirm that I have never been employed by any of the owners of the land over which the Path nor been a tenant of theirs.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: ***S Kearsley***

Date: 22 August 2024